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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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July 18, 1997

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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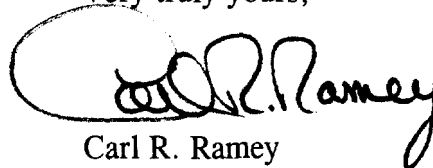
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Young Broadcasting Inc., I am transmitting herewith an original and eleven (11) copies of its "Opposition" to four separate petitions for reconsideration of the Sixth Report and Order (FCC 97-115) which have been filed in the above-referenced proceeding.

If there are any questions concerning this matter, kindly communicate with the undersigned.

Very truly yours,


Carl R. Ramey

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL 16 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems and
Their Impact Upon the Existing
Television Broadcast Service

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MM Docket No. 87-268

To: The Commission

**OPPOSITION OF YOUNG BROADCASTING INC.
TO FOUR SEPARATE PETITIONS FOR RECONSIDERATION**

Young Broadcasting Inc. ("YBI"), the parent company of wholly-owned subsidiary licensee entities identified below, by its counsel and pursuant to Section 1.429(f) of the Commission's Rules, submits herewith this consolidated "Opposition" to separate petitions for reconsideration filed in this proceeding by the following parties: Rapid Broadcasting Company, South Central Communications Corporation, Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network, and Landmark Arts, Inc.¹ In support whereof, the following is respectfully submitted:

¹ A public notice announcing the filing of the subject petitions, along with all other petitions for reconsideration filed in this proceeding, was published in the Federal Register on July 3, 1997. 62 FR 36066. Accordingly, this "Opposition" is timely filed.

I.
Preliminary Statement

YBI has generally supported or accepted the Commission's ongoing efforts in this proceeding to launch the television industry into the digital age. Although not satisfied with every element of the Sixth Report and Order², Young Broadcasting has elected not to protest everything it is unhappy with or has lingering questions about, recognizing that there are so many overall implementation issues that must be resolved at the outset simply in order to move forward. Indeed, the only individual petition for reconsideration filed by Young Broadcasting in this proceeding (as to any of its 16 licensed television stations) was one to correct an obvious underlying factual error made by the Commission's staff in assigning a DTV channel and technical parameters to YBI's station in Sioux Falls, South Dakota. See "Petition for Partial Reconsideration" filed on June 12, 1997 by Young Broadcasting of Sioux Falls, Inc., licensee of Television Station KELO-TV, Sioux Falls, South Dakota.

Particularly disturbing, therefore, is the array of petitions filed by various low power and TV translator interests who obviously seek to discount or change their fundamental secondary status - - a condition that has always been central to their authorizations - - by casually proposing massive re-assignments of DTV channels for numerous full-service television stations instead of finding alternative channels for their own licensed subordinate service. See, e.g., "Petition for Reconsideration" of Trinity Broadcasting Network which

² See Sixth Report and Order, FCC 97-115, released April 21, 1997 (hereinafter "Sixth Report").

alone, in a cursory four paragraph petition, urges the Commission to reassign DTV channels for 56 different full-service television stations.

II.

Specific Comments on Selected Petitions

Over 200 petitions for reconsideration have been filed in this proceeding, some of a fairly comprehensive nature but most specifically targeted to situations involving specific markets or specific stations. YBI addresses four petitions that fall into the latter category.

Petition of Rapid Broadcasting Company for Rapid City, South Dakota

Young Broadcasting of Rapid City, Inc., a wholly-owned subsidiary of YBI, is the licensee of Television Station KCLO, Rapid City, South Dakota. KCLO operates on NTSC Channel 15 and has been allocated DTV Channel 16 by the Sixth Report.

Rapid Broadcasting Company ("RBC") is the licensee of one low power TV station in Rapid City and the permittee of two other LPTV facilities. In a petition for reconsideration of the Sixth Report, RBC urges the Commission to reallocate the DTV channel assignments for six full-service stations, including YBI's KCLO. Thus, based only on potential interference with its own three LPTV facilities, RBC asks the Commission to realign immediately the DTV assignments of six full-service stations, representing virtually all of the off-the-air television service in western South Dakota. Moreover, among the alternative DTV channel allotments suggested for the 6 stations, 3 and perhaps 4 would be outside the "core spectrum" (depending upon whether the Commission ultimately settles on channels 7-51 or channels 2-46 to define the "core"). For example, as to KCLO, RBC proposes changing its DTV channel allotment from Channel 16 to Channel 53.

YBI opposes this request. In seeking specific relief for 3 LPTV operations, RBC would impair the ability of six full-service stations to provide digital service that would closely replicate their existing NTSC service. It will be difficult enough for stations such as KCLO, operating in an extremely small market (the 173rd largest) in a relatively remote part of the country, to make the conversion to digital. It and other stations should not be further handicapped by having to deploy high band UHF DTV channels in the rugged terrain surrounding the Rapid City market.

Equally important, RBC has not shown that it cannot itself easily move its LPTV facilities to other channels, a step that is not only expected of a secondary service generally but specifically contemplated by the policy decisions reached by the Commission in the Sixth Report. Particularly in this sparsely populated part of the country, there can be little doubt that alternative channels are available for translator and LPTV service.³

But even if such an easy solution to RBC's potential interference claims were not available, the fundamental policy judgments of the Sixth Report must be preserved. There, the Commission clearly found that there is simply not enough spectrum to preserve all existing LPTV and TV translator stations, to launch a massive transition of the entire TV industry to digital technology and, at the same time, reclaim certain portions of the broadcast spectrum for other uses. Accordingly, the Commission concluded that LPTV and TV translator stations should retain their secondary status. The Commission should not waiver from this

³ Although RBC claims that because Rapid City sits in a relatively remote area it should be feasible to make substitute DTV allotments for all full-service stations (Petition, p.2), this factor actually underscores the relative ease with which alternative channels can be found for limited power, secondary services such as LPTV or TV translator stations.

determination, either on an overall basis or in response to ad hoc fact situations such as presented by RBC.

In the Sixth Report, the Commission adopted a number of rule changes in order to mitigate the potential impact on LPTV and TV translator stations resulting from the DTV allotment process. These include allowing LPTV stations displaced by new DTV stations to apply for suitable replacement channels; considering such applications on a first-come, first-served basis without being subjected to competing applications; and adopting certain technical rule changes to provide additional operating flexibility for LPTV stations. See Sixth Report at ¶ s 141-147.

Given the secondary nature of LPTV service - - and recognizing the flexibility the Commission has already provided to LPTV licensees as the DTV transition begins to unfold - - there is absolutely no basis for considering RBC's proposal to reallocate KCLO's DTV channel or the DTV channel assignments of any other full-service stations in the Rapid City market.

Petition of South Central Communications Corporation for Knoxville, Tennessee

WATE, L.P., a partnership owned and controlled by YBI, is the licensee of Television Station WATE-TV, Knoxville, Tennessee. WATE operates on NTSC Channel 6 and has been allocated DTV Channel 26 by the Sixth Report.

South Central Communications Corporation ("SCCC") has filed a petition seeking to change the DTV allotments for six full-service television stations in order to preserve its existing LPTV operations in Evansville, Indiana, Louisville, Kentucky, and Nashville, and Knoxville, Tennessee, as well as to protect an as yet unauthorized and unbuilt NTSC station in

Knoxville. To accommodate these activities and future plans, SCCC seeks a major reallocation of the DTV channels for six existing full-service stations in five different markets, including YBI's Knoxville station, WATE-TV. As to the latter, it proposes to delete WATE's Channel 26 DTV allotment and replace it with DTV Channel 5.

YBI opposes this petition. Not only does SCCC's proposal proceed from the same faulty premises as the RBC proposal addressed above, it is unsubstantiated and premature. First, there is no showing whatsoever regarding the technical adequacy of Channel 5 in WATE's service area, either in terms of being able to replicate WATE's existing NTSC service or in terms of being relatively equal to the service potential of the already assigned DTV Channel 26. Second, assigning DTV Channel 5 to WATE would place YBI at a distinct competitive disadvantage since it would then be the only Knoxville station with both its NTSC and DTV channels potentially outside the "core spectrum". Finally, it should be emphasized that, at this juncture, SCCC is nothing more than a mere applicant for a proposed new NTSC station on Channel 26 for which it may never receive an authorization and, even if authorized, may never be able to construct. Accordingly, the Commission should reject SCCC's request.

**Petition of Landmark Arts, Inc.
for Nashville, Tennessee** _____

WKRN, L.P., a partnership owned and controlled by YBI, is the licensee of Television Station WKRN-TV, Nashville, Tennessee. WKRN operates on NTSC Channel 2 and has been allocated DTV Channel 27 by the Sixth Report.

Landmark Arts, Inc., licensee of a low power station in Murfreesboro, Tennessee, has filed a petition for reconsideration asking the Commission to either (a) reassign WKRN some unspecified alternative DTV channel (i.e., other than Channel 27) or (b) grant Landmark Arts

permission to file “early” for a replacement channel for its own existing LPTV operations on Channel 27.

While YBI is opposed to reallocating WKRN’s Nashville DTV channel, and the Landmark Arts petition certainly lacks adequate justification to consider such a change, we are not opposed to permitting Landmark Arts to file an application to switch its Murfreesboro LPTV channel at some early stage. Indeed, we can perceive certain efficiencies and public interest advantages in granting parties such as Landmark Arts permission to file applications proposing LPTV channel switches before WKRN (or similarly situated full-service stations) file construction applications for DTV service. In the meantime, of course, the Sixth Report permits Landmark to operate on LPTV Channel 27 until WKRN is actually operational with DTV service on Channel 27.

**Petition of Trinity Broadcast Network
for Lafayette, Louisiana**

KLFY, L.P., a partnership owned and controlled by YBI, is the licensee of Television Station KLFY-TV, Lafayette, Louisiana. KLFY-TV operates on NTSC Channel 10 and has been allocated DTV Channel 56 by the Sixth Report.

As noted above, Trinity Broadcasting Network has filed a blanket reconsideration petition that seeks reassignment of the DTV channel allotments for fifty-six (56) different full-service stations throughout the nation, including YBI’s Lafayette station, KLFY-TV, which it proposes to move from DTV Channel 56 to DTV Channel 59. The sole justification advanced for this massive change in the Commission’s comprehensive allotment scheme is a vague and unsubstantiated plea to preserve Trinity’s particular TV translator and LPTV service.

YBI opposes Trinity's petition for all of the reasons stated above with respect to the RBC proposal (see pp. 4-5, supra) and, in addition, for its total lack of justification as to KLFY in particular. This petition is nothing more than a highly generalized request for reconsideration of the basic underpinnings of the Sixth Report. It should be rejected out of hand.

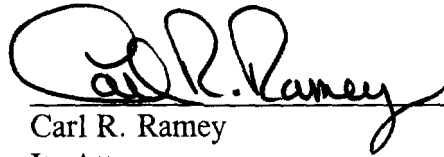
III.
Conclusion

WHEREFORE, the above premises considered, Young Broadcasting Inc. urges the Commission to deny the petitions for reconsideration filed herein by Rapid Broadcasting Company, South Central Communications Corporation, Trinity Broadcasting Network, and Landmark Arts, Inc. (the latter, however, only to the extent it proposes to change the DTV channel assignment for WKRN-TV, in Nashville, Tennessee).

Respectfully submitted,

YOUNG BROADCASTING INC.

By:



Carl R. Ramey
Its Attorney

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

July 18, 1997

CERTIFICATE OF SERVICE

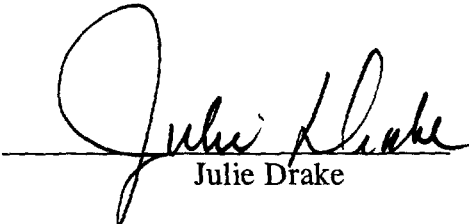
I, Julie Drake, hereby certify that on this 18th day of July, 1997, I caused to be delivered copies of the foregoing "Opposition of Young Broadcasting Inc. to Four Separate Petitions for Reconsideration" by first class mail, postage prepaid, to the following parties:

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